

ESTTA Tracking number: **ESTTA347157**

Filing date: **05/12/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	World Wrestling Entertainment, Inc.
Granted to Date of previous extension	05/12/2010
Address	1241 East Main Street Stamford, CT 06902 UNITED STATES
Attorney information	Christopher M. Verdini K&L Gates LLP 210 Sixth Avenue K&L Gates Center Pittsburgh, PA 15222 UNITED STATES trademarks@klgates.com

Applicant Information

Application No	77690556	Publication date	01/12/2010
Opposition Filing Date	05/12/2010	Opposition Period Ends	05/12/2010
Applicant	LADY CAPTIVA INC. 225 Dupont Street Plainview, NY 11803 UNITED STATES		

Goods/Services Affected by Opposition

Class 018. All goods and services in the class are opposed, namely: Purses, leather keychains, wallets; bags, namely, handbags, shoulder bags, textile and leather shopping bags, beach bags, gym bags, school bags and knapsacks; portfolio cases, namely, briefcase-type portfolios
Class 025. All goods and services in the class are opposed, namely: Belts and wristbands

Grounds for Opposition


Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition


U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		


Word Mark	RAW
Goods/Services	Luggage, bags, backpacks, wallets, and coin purses

U.S. Registration No.	2086903	Application Date	11/01/1995
Registration Date	08/12/1997	Foreign Priority Date	NONE
Word Mark	RAW		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1993/01/11 First Use In Commerce: 1993/01/11 entertainment services, namely, production and presentation of live wrestling sports entertainment television programs		


U.S. Registration No.	2396746	Application Date	02/23/1998
Registration Date	10/24/2000	Foreign Priority Date	NONE
Word Mark	RAW		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1996/04/01 First Use In Commerce: 1996/04/01 Printed paper matter, namely, magazines relating to sports entertainment, comic books, event programs relating to sports entertainment, calendars, decals, stickers, posters, mounted and unmounted photographs, pictures, cardboard stand-ups, paper lunch sacks, napkins, trading cards, playing cards, collectors cards, and coloring and activity books		


U.S. Registration No.	2833110	Application Date	04/29/2002
Registration Date	04/13/2004	Foreign Priority Date	NONE
Word Mark	RAW		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2002/04/01 First Use In Commerce: 2002/04/01 Entertainment services, namely, the production and exhibition of professional wrestling events rendered live and through the media of television; providing wrestling news and information via a global computer network


U.S. Registration No.	2986061	Application Date	04/29/2002
Registration Date	08/16/2005	Foreign Priority Date	NONE
Word Mark	RAW		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2002/03/18 First Use In Commerce: 2002/03/18 Playing cards; toy action figures and accessories; cases for action figures; toy vehicles; board games; toy spinning tops; stand alone video output game machines featuring wrestling; arcade games related to wrestling; pinball games related to wrestling; hand-held units for playing electronic games; tabletop action skill games related to wrestling; jigsaw puzzles; kites; toy wrestling rings; dolls; puppets; stuffed toy animals; card games; toy guitars; water guns; vinyl pool products for playing, namely-- pillow back lounge chair; one and two-man inflatable boats; personal watercrafts, namely, single and multi-passenger jet boats; rafts; inner tubes; and foot pumps; Christmas tree decorations; costume masks; toy belts, doll furniture; party favors in the nature of crackers and noisemakers; skateboards; bowling balls and accessories, namely, wristbands, namely, wrist supports for bowling, bowling gloves, ball cleaning kits, wrist supports, bowling ball bags; windup toys; scooters; bowling pins; knee and elbow pads; yo-yo's; face painting sets; plastic model kits; pool cues; toy banks made of tin; toy gum machines; toy candy bowl mechanical dispensers; toy stick gum dispensers; toy gum figure makers		


U.S. Registration No.	3303308	Application Date	04/29/2002
Registration Date	10/02/2007	Foreign Priority	NONE

		Date	
Word Mark	RAW		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 2002/04/30 First Use In Commerce: 2002/04/30</p> <p>Posters; trading cards; labels, namely printed labels not of textile; folders; brochures about sports entertainment; packaging, namely, paper bags for packaging, paper pouches for packaging, cardboard boxes for packaging, cardboard containers for packaging; plastic bags for general use; paper tableware, namely, paper place mats, paper napkins, paper tablecloths; stickers; pens; pencils, pencil cases, pencil sharpeners; rulers; erasers; book covers, notebook paper, notebook dividers; coloring books; children's activity books, comic books, picture books, appointment books; address books; sticker albums; calendars; chalk; magazines in the field of sports entertainment; newspapers in the field of sports entertainment; postcards; greeting cards; temporary tattoo transfers; souvenir programs concerning sports entertainment; paper lunch bags; memo pads; rubber stamps; stamp pads; collectible prepaid telephone cards not magnetically encoded; collectible telephone calling cards, not magnetically encoded; postage stamps and collector stamps, namely, commemorative stamp sheets; custom printed personal bank checks; checkbook covers; return address labels; bumper stickers; window decals; lithographs; paper party favors, paper party hats; stencils; gift wrapping paper, plastic gift wrap, metallic gift wrap; paper cake decorations</p>		

U.S. Application No.	78124889	Application Date	04/29/2002
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	RAW		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use:		

	Magnets; cinematographic films featuring sports entertainment; motion picture films made for television featuring sports entertainment; pre-recorded phonograph records featuring sports entertainment; pre-recorded audio tapes featuring sports entertainment; compact discs featuring sports entertainment; amusement gaming machines; computer games in the form of cartridges, tapes, software, game discs; video games in the form of cartridges, tapes, software, game discs; prerecorded video tapes featuring sports entertainment; prerecorded audio tapes featuring sports entertainment; photographic cameras; mouse pads; eyewear, namely, eyeglasses, sunglasses, eyeglass cords made of cord, eyeglass cords made of plastic, eyeglass cases.
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U.S. Application No.	77909119	Application Date	01/11/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	RAW		
Design Mark			
Description of Mark	The mark consists of the word RAW on a diagonal with lines above and beneath it.		
Goods/Services	Class 041. First use: First Use: 2006/10/31 First Use In Commerce: 2006/10/31 Entertainment services, namely, the production and exhibition of professional wrestling events rendered live and through the media of television; providing wrestling news and information via a global computer network		

U.S. Application No.	77942095	Application Date	02/23/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	RAW		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use:		

	Clothing, namely, tank tops, t-shirts, shirts, sport shirts, dress shirts, polo shirts, undershirts, sweatshirts, sweaters, pullovers, jackets, raincoats, overcoats, topcoats, trousers, pants, jean pants, jogging suits, exercise pants, exercise suits, sweatpants, shorts, underwear, boxer shorts, socks, clothing ties, pajamas, belts, gloves, Halloween and masquerade costumes, wrist bands, bandannas; footwear, namely, shoes, sneakers, boots, slippers; headwear, namely, hats, caps
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Christopher M. Verdini/
Name	Christopher M. Verdini
Date	05/12/2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant: Lady Captiva Inc. d/b/a Beltsville Fashion Group Corp.
Serial No.: 77/690,556
Mark: BFG RAW
Classes: 18, 25
Filing Date: March 13, 2009
Publication Date: January 12, 2010

WORLD WRESTLING)
ENTERTAINMENT, INC.,)
)
Opposer,)
)
v.)
)
LADY CAPTIVA INC. D/B/A,)
BELTSVILLE FASHION GROUP CORP.,)
)
Applicant.)
_____)

Opposition No. _____

NOTICE OF OPPOSITION

World Wrestling Entertainment, Inc. (“Opposer” or “WWE”), a Delaware corporation with its principal place of business at 1241 East Main Street, Stamford, Connecticut 06902, believes that it will be damaged by registration of the mark BFG RAW, which is the subject of Application Serial No. 77/690,556 filed by Lady Captiva Inc. d/b/a Beltsville Fashion Group Corp., a New York corporation having an address of 225 Dupont Street, Plainview, New York 11803 (“Applicant”). As such, WWE opposes registration of this mark and requests that registration to Applicant be refused.

As grounds in support of its opposition, Opposer asserts as follows:

I. Introduction

1. Opposer is and at all relevant times has been an integrated media company principally engaged in the development, production and promotion of television programming,

pay-per-view programming and live arena events featuring wrestling entertainment services, and the license and sale of branded consumer products.

2. WWE's unique product, for which it coined the term "sports entertainment," is perhaps best described as an action-adventure episodic drama that is akin to an ongoing, ever-developing soap opera based around WWE's distinctive and provocative characters.

3. WWE promotes hundreds of live shows each year in arenas and stadiums in cities around the world. WWE also produces weekly television programs on broadcast and cable television that are distributed around the world and monthly pay-per-view programs available through cable and satellite pay-per-view distributors. In addition, WWE licenses and sells myriad types of consumer products depicting its characters and other intellectual property.

II. Opposer's RAW Marks

4. Opposer is the owner of numerous common law and registered trademarks used in connection with its wrestling entertainment services and related goods and services. In particular, Opposer's RAW mark, comprised of RAW in typed or stylized form and with or without design elements (collectively, the "RAW Marks"), is one of Opposer's most recognized and valuable intellectual property assets.

5. Opposer owns common law rights and a number of applications and registrations for the RAW Marks including, but not limited to, U.S. Registration Nos. 2,086,903, 2,396,746, 2,833,110, 2,986,061 and 3,303,308 and U.S. Application Serial Nos. 78/124,889, 77/909,119 and 77/942,095.

6. "RAW" is one of the nationally and internationally recognized brands through which WWE promotes its wrestling entertainment services and related goods.

7. “RAW” also is the title of one of WWE’s internationally-distributed weekly television programs. Some of WWE’s most famous wrestling characters are affiliated with WWE’s RAW brand including, *inter alia*, TRIPLE H, JOHN CENA, and RANDY ORTON. These characters: (i) appear on WWE’s weekly RAW television program broadcast around the world; (ii) perform at WWE RAW live events in cities around the world; (iii) are featured on WWE’s wweraw.com Internet website; and (iv) are depicted on WWE RAW branded merchandise, including apparel and clothing.

8. The popularity, success, and recognition of the goods and services offered by Opposer under its RAW Marks are the direct result of the substantial time and money invested by Opposer in development, marketing and promotion of the marks. The RAW Marks are uniquely and exclusively associated with Opposer and have become indelibly linked in the public’s mind in exclusive association with and in exclusive sponsorship by WWE.

9. WWE has continually used its RAW Marks in connection with its wrestling entertainment services and related consumer products since at least January 11, 1993—well prior to any date of first use upon which Applicant can rely.

10. By virtue of WWE’s use, marketing and promotion of its RAW Marks, the RAW Marks are famous and distinctive.

11. Particularly pertinent to this opposition, Opposer has used and continues to use its RAW Marks in International Classes 18 and 25 in connection with, among other things, luggage, bags, backpacks, wallets, coin purses, apparel and clothing – the same categories of goods in which Applicant seeks to register its BFG RAW mark.

12. In addition, Opposer uses its RAW Marks in connection with numerous other consumer products including, but not limited to, video tapes, DVDs, video games, internet

services, magazines, photographs, trading cards, posters, calendars, other related paper goods, action figures, mugs, cups and other various goods and services.

13. Despite Opposer's long and widespread use and worldwide recognition of its RAW Marks, Applicant has filed an Intent to Use application to register BFG RAW in International Class 18 for "Purses, leather keychains, wallets; bags, namely handbags, shoulder bags, textile and leather shopping bags, beach bags, gym bags, school bags and knapsacks; portfolio cases, namely briefcase-type portfolios" and International Class 25 for "Belts and wristbands." Applicant filed the application on March 13, 2009 and the application was assigned Serial No. 77/690,556.

III. The Application Should Be Dismissed Because A Likelihood Of Confusion Exists

14. As described herein, Opposer's RAW Marks are among its most recognized and valuable intellectual property assets.

15. Applicant's BFG RAW mark contains Opposer's RAW Marks in their entirety and is likely, when used on or in connection with the goods set forth in Applicant's application, to cause confusion, or to cause mistake, or to deceive relative to Opposer's RAW Marks within the meaning of Section 2(d) of the Lanham Act.

16. By applying for a mark that so resembles Opposer's RAW Marks, Applicant's BFG RAW mark is likely to cause confusion among consumers as to Opposer's affiliation and/or sponsorship of Applicant's business.

17. Accordingly, Opposer, as the owner of the RAW Marks, will be damaged if Applicant's BFG RAW mark is registered to Applicant.

IV. The Application Should Be Dismissed Because A Likelihood Of Dilution By Blurring Exists

18. As described herein, Opposer's RAW Marks are famous and distinctive.

19. Opposer's RAW Marks became famous and distinctive prior to any use of Applicant's BFG RAW mark upon which Applicant can rely.

20. Applicant's BFG RAW mark so resembles Opposer's RAW Marks and is likely, when used on or in connection with the goods set forth in Applicant's application, to cause dilution by blurring of Opposer's RAW Marks within the meaning of Section 43(c) of the Lanham Act.

21. Accordingly, Opposer, as the owner of the RAW Marks, will be damaged if Applicant's BFG RAW mark is registered to Applicant.

WHEREFORE, Opposer prays that the Notice of Opposition be sustained and that registration of U.S. Trademark Application Serial No. 77/690,556 be refused.

Respectfully submitted,

/s/ Christopher M. Verdini
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Attorneys for Opposer
World Wrestling Entertainment, Inc.

May 12, 2010

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of May, 2010, a true and correct copy of the foregoing NOTICE OF OPPOSITION was served, via United States Mail, First Class, postage prepaid, upon the following counsel of record:

Stephen R. Barrese
Dilworth & Barrese, LLP
1000 Woodbury Road, Suite 405
Woodbury, NY 11797
Phone Number: 516-228-8484

/s/ Christopher M. Verdini
Attorney for Opposer